IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 973 OF 2005

Muttichukaran D. Jose.... .... Petitioner.
Versus
Deputy Commissioner (CUC),
Ulhasnagar Municipal Corporation & Ors. ..... Respondents.

Mr. K. R. Bulchandani with Mr. J. P. Shah &
Ms. L.K. Bulchandani i/by M/s. Kamal & Co.,
for the Petitioner.

Mr. R. M. Sawant, Government Pleader, for Respondent No.1.

Mr. C. R. Sonawane, AGP for Respondent Nos.2 & 3.

CORAM: DALVEER BHANDARI, C.J. &
S. A. BOBDE, J.

DATED : MAY 2, 2005.

P.C. :

The petitioner has approached this Court with a prayer that respondent No.1 be restrained from continuing with the road widening within the said plot of land bearing No. 462 (Part), Sheet

No.81, Near Bk. No. C-79, Ulhasnagar – 1. In pursuance to the show cause notice issued, replies have been filed by respondent Nos.1 and 2.

2. In the reply affidavit filed by the Deputy Municipal Commissioner (CUC) of the Ulhasnagar Municipal Corporation, respondent No.1, it is mentioned that the petitioner's land is not being utilised for the purposes of the said 80 ft. D. P. Road. It is also mentioned, if ultimately so happens that the petitioner's land is required for 80 ft. D. P. Road, then respondent No.1 would acquire the said land by way of agreement or by way of acquisition proceedings.

3. It is also mentioned that the said issue can be resolved if respondent No.2 issues a corrigendum for allotment of alternate land which is vacant on the other side of the said 80 ft. D. P. Road, (which is also illegally in possession of the petitioner). It is also mentioned that respondent No.1 will have no objection if the land on the other side of the said 80 ft. D. P. Road is allotted to the

petitioner in lieu of the land, which is affected by the 80 ft. D. P. Road.

4. We have heard learned Counsel for the parties. In case the respondents acquire the land of the petitioner, the same would be done in accordance with the law.

5. No further directions are necessary. This petition is, accordingly, disposed of.

Sd/-

CHIEF JUSTICE

Sd/-

S. A. BOBDE, J.